

# House Study Bill 125

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to various conservation and recreation activities  
2 under the purview of the department of natural resources,  
3 modifying fees, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1380DP 83  
6 av/sc/8

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1 1 Section 1. Section 321G.2, subsection 1, paragraph e, Code  
1 2 2009, is amended to read as follows:  
1 3 e. Establishment of a program of grants, subgrants, and  
1 4 contracts to be administered by the department for the  
1 5 development and delivery of certified courses of instruction  
~~1 6 for the safe use and operation of snowmobiles, maintenance,~~  
~~1 7 and operation of designated snowmobile trails and grooming~~  
~~1 8 equipment~~ by political subdivisions and incorporated private  
1 9 organizations.  
1 10 Sec. 2. Section 321G.2, subsection 1, Code 2009, is  
1 11 amended by adding the following new paragraphs:  
1 12 NEW PARAGRAPH. i. Establishment of a certified education  
1 13 course for the operation of snowmobile grooming equipment.  
1 14 NEW PARAGRAPH. j. Establishment of a certified education  
1 15 course for the safe use and operation of snowmobiles.  
1 16 NEW PARAGRAPH. k. Certification of volunteer snowmobile  
1 17 education instructors.  
1 18 Sec. 3. Section 321G.11, subsection 1, Code 2009, is  
1 19 amended by striking the subsection and inserting in lieu  
1 20 thereof the following:  
1 21 1. The exhaust of every internal combustion engine used in  
1 22 any snowmobile shall be effectively muffled by equipment  
1 23 constructed and used to muffle all snowmobile noise in a  
1 24 reasonable manner in accordance with rules adopted by the  
1 25 commission.  
1 26 Sec. 4. Section 321G.21, subsection 9, Code 2009, is  
1 27 amended to read as follows:  
1 28 9. The ~~department commission~~ may adopt rules consistent  
1 29 with this chapter establishing minimum requirements for  
1 30 dealers. In adopting such rules, the ~~department commission~~  
1 31 shall consider the need to protect persons, property, and the  
1 32 environment and to promote uniformity of practices relating to  
1 33 the sale and use of snowmobiles. The commission may also  
~~1 34 adopt rules providing for the suspension or revocation of a~~  
~~1 35 dealer's special registration certificate issued pursuant to~~  
~~2 1 this section.~~  
2 2 Sec. 5. Section 321G.24, subsection 3, Code 2009, is  
2 3 amended to read as follows:  
2 4 3. Any person who is required to have a safety certificate  
2 5 under this chapter and who has completed a course of  
2 6 instruction established under section 321G.2, subsection 1,  
2 7 paragraph ~~"e"~~ "j", including the successful passage of an  
2 8 examination which includes a written test relating to such  
2 9 course of instruction, shall be considered qualified to ~~apply~~  
~~2 10 for receive~~ a safety certificate. ~~The commission may waive~~  
~~2 11 the requirement of completing such course of instruction if~~  
~~2 12 such person successfully passes a written test based on such~~  
~~2 13 course of instruction.~~  
2 14 Sec. 6. Section 321I.1, subsection 1, paragraph c, Code  
2 15 2009, is amended by striking the paragraph.  
2 16 Sec. 7. Section 321I.1, subsection 16, Code 2009, is  
2 17 amended to read as follows:  
2 18 16. a. "Off=road utility vehicle" means a motorized

2 19 flotation=tire vehicle with not less than four and not more  
2 20 than ~~six~~ eight low-pressure tires that is limited in engine  
2 21 displacement to less than one thousand five hundred cubic  
2 22 centimeters and in total dry weight to not more than one  
2 23 thousand eight hundred pounds and that has a seat that is of  
2 24 bucket or bench design, not intended to be straddled by the  
2 25 operator, and a steering wheel or control levers for control.  
2 26 b. An owner of an off-road utility vehicle may register or  
2 27 title an off-road utility vehicle in order to legally operate  
2 28 the off-road vehicle on public ice, a designated riding area,  
2 29 or a designated riding trail. The operator of an off-road  
2 30 utility vehicle is subject to provisions governing the  
2 31 operation of all-terrain vehicles in section 321.234A and this  
2 32 chapter, but is exempt from the safety instruction and  
2 33 certification program requirements of sections 321I.25 and  
2 34 321I.26. An operator of an off-road utility vehicle shall not  
2 35 operate the vehicle on a designated riding area or designated  
3 1 riding trail unless the department has posted signage  
3 2 indicating the riding area or trail is open to the operation  
3 3 of off-road utility vehicles. Off-road utility vehicles are  
3 4 exempt from the dealer registration and titling requirements  
3 5 of this chapter. A motorized vehicle that was previously  
3 6 titled or is currently titled under chapter 321 shall not be  
3 7 registered or operated as an off-road utility vehicle.

3 8 Sec. 8. Section 321I.2, subsection 1, paragraph e, Code  
3 9 2009, is amended to read as follows:

3 10 e. Establishment of a program of grants, subgrants, and  
3 11 contracts to be administered by the department for the  
3 12 development ~~and delivery of certified courses of instruction~~  
3 13 ~~for the safe use and operation of all-terrain vehicles.~~

3 14 maintenance, and operation of designated all-terrain vehicle  
3 15 riding areas and trails by political subdivisions and  
3 16 incorporated private organizations.

3 17 Sec. 9. Section 321I.2, subsection 1, paragraph i, Code  
3 18 2009, is amended by striking the paragraph and inserting in  
3 19 lieu thereof the following:

3 20 i. Establishment of a certified education course for the  
3 21 safe use and operation of all-terrain vehicles.

3 22 Sec. 10. Section 321I.2, subsection 1, Code 2009, is  
3 23 amended by adding the following new paragraph:

3 24 NEW PARAGRAPH. j. Certification of volunteer all-terrain  
3 25 vehicle education instructors.

3 26 Sec. 11. Section 321I.22, subsection 9, Code 2009, is  
3 27 amended to read as follows:

3 28 9. The ~~department~~ commission may adopt rules consistent  
3 29 with this chapter establishing minimum requirements for  
3 30 dealers. In adopting such rules, the department shall  
3 31 consider the need to protect persons, property, and the  
3 32 environment and to promote uniformity of practices relating to  
3 33 the sale and use of all-terrain vehicles. The commission may  
3 34 also adopt rules providing for the suspension or revocation of  
3 35 a dealer's special registration certificate issued pursuant to  
4 1 this section.

4 2 Sec. 12. Section 321I.26, subsection 3, Code 2009, is  
4 3 amended to read as follows:

4 4 3. Any person who is required to have a safety certificate  
4 5 under this chapter and who has completed a course of  
4 6 instruction established under section 321I.2, subsection 1,  
4 7 paragraph ~~"e"~~ "i", including the successful passage of an  
4 8 examination which includes either a written test relating to  
4 9 such course of instruction or the demonstration of adequate  
4 10 riding skills, shall be considered qualified to ~~apply for~~  
4 11 ~~receive~~ a safety certificate. ~~The commission may waive the~~  
4 12 ~~requirement of completing such course of instruction if such~~  
4 13 ~~person successfully passes a written test based on such course~~  
4 14 ~~of instruction.~~

4 15 Sec. 13. Section 481A.122, Code 2009, is amended by adding  
4 16 the following new subsection:

4 17 NEW SUBSECTION. 3. This section is not applicable to a  
4 18 person who is legally hunting with a raptor.

4 19 Sec. 14. Section 481A.130, subsection 1, paragraphs d and  
4 20 e, Code 2009, are amended to read as follows:

4 21 d. For each ~~fish~~, reptile, mussel, or amphibian, fifteen  
4 22 dollars.

4 23 e. For each beaver, ~~bobcat~~, mink, otter, red fox, gray  
4 24 fox, or raccoon, two hundred dollars.

4 25 Sec. 15. Section 481A.130, subsection 1, Code 2009, is  
4 26 amended by adding the following new paragraph:

4 27 NEW PARAGRAPH. i. For each fish, reimbursement shall be  
4 28 as follows:

4 29 (1) For each fish of a species other than shovelnose

4 30 sturgeon, with an established daily limit greater than  
4 31 twenty-five, fifteen dollars.

4 32 (2) For each fish of a species other than paddlefish and  
4 33 muskellunge, with an established daily limit of twenty-five or  
4 34 less, fifty dollars.

4 35 (3) For each shovelnose sturgeon, paddlefish, and  
5 1 muskellunge, one thousand dollars.

5 2 Sec. 16. Section 481A.130, Code 2009, is amended by adding  
5 3 the following new subsection:

5 4 NEW SUBSECTION. 4. This section does not apply to a  
5 5 person who is liable to pay restitution to the department  
5 6 pursuant to section 481A.151 for injury to a wild animal  
5 7 caused by polluting a water of this state in violation of  
5 8 state law.

5 9 Sec. 17. Section 481C.2A, subsection 1, paragraph d, Code  
5 10 2009, is amended to read as follows:

5 11 d. A producer who enters into a depredation agreement with  
5 12 the department of natural resources shall be issued a set of  
5 13 authorization numbers. Each authorization number authorizes a  
5 14 resident hunter to obtain a depredation license that is valid  
5 15 only for taking antlerless deer on the land designated in the  
5 16 producer's depredation plan. A producer may transfer an  
5 17 authorization number issued to that producer to a resident  
5 18 hunter who has permission to hunt on the land for which the  
5 19 authorization number is valid. An authorization number shall  
5 20 be valid to obtain a depredation license in any season. The  
5 21 provisions of this paragraph shall be implemented by August  
5 22 15, 2008. A transferee who receives an authorization number  
5 23 pursuant to this paragraph "d" shall be otherwise qualified to  
5 24 hunt deer in this state, have a hunting license, pay the  
5 25 wildlife habitat fee, and pay ~~the one dollar~~ a fee of one  
5 26 dollar and fifty cents for the purpose of the deer herd

5 27 population management program.

5 28 Sec. 18. Section 482.1, Code 2009, is amended to read as  
5 29 follows:

5 30 482.1 AUTHORITY OF THE COMMISSION.

5 31 1. The natural resource commission shall observe,  
5 32 administer, and enforce this chapter. The natural resource  
5 33 commission may adopt and enforce rules under chapter 17A as  
5 34 necessary to carry out this chapter.

5 35 2. The natural resource commission may:

6 1 ~~1- a.~~ Remove or cause to be removed from the waters of the  
6 2 state any aquatic species that in the judgment of the  
6 3 commission is an underused renewable resource or has a  
6 4 detrimental effect on other aquatic populations. All proceeds  
6 5 from a sale of these aquatic organisms shall be credited to  
6 6 the state fish and game protection fund.

6 7 ~~2- b.~~ Issue to any person a permit or license authorizing  
6 8 that person to take, possess, and sell underused, undesirable,  
6 9 or injurious aquatic organisms from the waters of the state.  
6 10 The person receiving a permit or license shall comply with the  
6 11 applicable provisions of this chapter.

6 12 ~~3- c.~~ Authorize the director to enter into written  
6 13 contracts for the removal of underused, undesirable, or  
6 14 injurious organisms from the waters of the state. The  
6 15 contracts shall specify all terms and conditions desired.  
6 16 Sections 482.4, 482.6, and 482.14 do not apply to these  
6 17 contracts.

6 18 ~~4- d.~~ Prohibit, restrict, or regulate commercial fishing,  
6 19 commercial turtle fishing, and commercial mussel bait fishing  
6 20 in any waters of the state.

6 21 ~~5- e.~~ Revoke the license of a licensee ~~and the licensee's~~  
6 22 ~~designated operators~~ for up to one year if the licensee ~~or any~~  
6 23 ~~designated operator~~ has been convicted of a violation of  
6 24 chapter 481A, 482, or 483A. A licensee shall not continue  
6 25 commercial fishing while a license issued by the natural  
6 26 resource commission is under revocation or suspension.

6 27 ~~6- f.~~ Regulate the numbers of commercial fishers, and  
6 28 commercial turtle fishers, ~~and commercial mussel fishers~~ and  
6 29 the amount, type, seasonal use, mesh size, construction and  
6 30 design, manner of use, and other criteria relating to the use  
6 31 of commercial gear for any body of water or part thereof.

6 32 ~~7- g.~~ Establish catch quotas, seasons, size limits, and  
6 33 other regulations for any species of commercial fish, or  
6 34 turtles, ~~or mussels~~ for any body of water or part thereof.

6 35 ~~8- h.~~ Designate by listing species as commercial fish, or  
7 1 turtles, ~~or mussels~~.

7 2 ~~9- i.~~ Designate any body of water or its part as protected  
7 3 habitat and restrict, prohibit, or otherwise regulate the  
7 4 taking of commercial fish, and turtles, ~~and mussels~~ in  
7 5 protected habitat areas.

7 6 3. Employees of the ~~commission department~~ may lift and  
7 7 inspect any commercial gear at any time when being used and  
7 8 may inspect commercial catches, commercial markets, and  
7 9 landings, and examine ~~catch sale and purchase~~ records of  
7 10 commercial fishers, commercial turtle fishers, ~~and commercial~~  
7 11 ~~mussel fishers roe harvesters, commercial fish buyers,~~  
7 12 ~~commercial turtle buyers, and commercial roe buyers~~ upon  
7 13 demand.

7 14 4. ~~Officers~~ Employees of the ~~commission department~~ may  
7 15 seize and retain as evidence any illegal fish, ~~or turtles, or~~  
7 16 ~~mussels,~~ or any illegal commercial gear, or any other personal  
7 17 property used in violation of any provision of the Code, and  
7 18 may confiscate any untagged or illegal commercial gear as  
7 19 contraband.

7 20 Sec. 19. Section 482.2, Code 2009, is amended to read as  
7 21 follows:

7 22 482.2 DEFINITIONS.

7 23 As used in this chapter, unless the context otherwise  
7 24 requires:

7 25 1. "Boundary waters" means the waters of the Mississippi,  
7 26 Missouri, and Big Sioux rivers.

7 27 2. "Commercial fish buyer" means a person who is licensed  
7 28 by the state to engage in the business of buying, selling,  
7 29 bartering, or trading fish, roe or roe species, or fish parts  
7 30 from a commercial fisher.

7 31 3. "Commercial fish helper" means a person who is licensed  
7 32 by the state to assist a commercial fisher in operating  
7 33 commercial gear or in taking, attempting to take, possessing,  
7 34 processing, or transporting commercial fish or turtles.

7 35 ~~2- 4. "Commercial fisher" means a person who is licensed~~  
8 1 ~~by the state to take and sell fish from waters of the state,~~  
8 2 ~~attempt to take, possess, process, transport, sell, barter, or~~  
8 3 ~~trade commercial fish, roe or roe species, or fish parts, or~~  
8 4 ~~turtles, turtle eggs, or turtle parts.~~

8 5 ~~3- 5. "Commercial fishing" means taking, attempting to~~  
8 6 ~~take, possessing, processing, or transporting of commercial~~  
8 7 ~~fish or turtles for the purpose of selling, bartering,~~  
8 8 ~~exchanging trading, offering, or exposing for sale.~~

8 9 ~~4- 6. "Commercial gear" means the capturing equipment used~~  
8 10 ~~by commercial fishers, and commercial turtle fishers, and~~  
8 11 ~~commercial mussel fishers.~~

8 12 ~~5. "Commercial mussel fisher" means a person who is~~  
8 13 ~~licensed to take and sell freshwater mussels from waters of~~  
8 14 ~~the state. A resident commercial mussel license holder must~~  
8 15 ~~have resided in this state for one year preceding the person's~~  
8 16 ~~application for a commercial mussel fishing license.~~

8 17 ~~6. "Commercial mussel fishing" means taking, attempting to~~  
8 18 ~~take, or transporting of freshwater mussels for the purpose of~~  
8 19 ~~selling, bartering, exchanging, offering, or exposing for~~  
8 20 ~~sale.~~

8 21 7. "Commercial roe buyer" means a person who is licensed  
8 22 by the state to engage in the business of buying, selling,  
8 23 bartering, or trading of roe and roe species.

8 24 8. "Commercial roe harvester" means a person who is  
8 25 licensed by the state to engage in the harvest and sale,  
8 26 barter, or trade of roe and roe species.

8 27 ~~7- 9. "Commercial species" means species of fish, and~~  
8 28 ~~turtles, and freshwater mussels which may be lawfully taken~~  
8 29 ~~and sold by commercial fishers, and commercial turtle fishers,~~  
8 30 ~~and commercial mussel fishers, as established by rule by the~~  
8 31 ~~commission.~~

8 32 10. "Commercial turtle buyer" means a person who is  
8 33 licensed by the state to engage in the business of buying,  
8 34 selling, bartering, or trading commercial turtles, turtle  
8 35 eggs, or turtle parts.

9 1 ~~8- 11. "Commercial turtle fisher" means a person who is~~  
9 2 ~~licensed by the state to take, attempt to take, possess,~~  
9 3 ~~process, transport, and sell, barter, or trade commercial~~  
9 4 ~~turtles from the waters of the state, turtle eggs, or turtle~~  
9 5 ~~parts.~~

9 6 ~~9- 12. "Commercial turtle fishing" means taking,~~  
9 7 ~~attempting to take, possessing, processing, or transporting of~~  
9 8 ~~commercial turtles, turtle eggs, or turtle parts for the~~  
9 9 ~~purpose of selling, bartering, exchanging trading, offering,~~  
9 10 ~~or exposing for sale.~~

9 11 13. "Commercial turtle helper" means a person who is  
9 12 licensed by the state to assist a commercial turtle fisher in  
9 13 operating commercial gear, or in taking, attempting to take,  
9 14 possessing, processing, or transporting commercial turtles,  
9 15 turtle eggs, or turtle parts.

9 16 ~~10- 14. "Constant attendance" means the presence of a~~

9 17 commercial fisher ~~or a designated operator~~ whenever commercial  
9 18 gear is in use.

9 19 ~~11- 15.~~ "Director" means the director of the department of  
9 20 natural resources, and the director's duly authorized  
9 21 assistants, deputies, or agents.

9 22 ~~12- 16.~~ "Game fish" means all species and size categories  
9 23 of fish not included as "commercial species" or minnows.

9 24 ~~13- 17.~~ "Inland waters of the state" means all public  
9 25 waters of the state excluding the boundary waters of the  
9 26 Mississippi, Big Sioux, and Missouri rivers.

9 27 ~~14- 18.~~ "Licensed commercial gear" means any commercial  
9 28 gear that is licensed as provided in this chapter and that,  
9 29 when in use, has ~~attached~~ the proper tags attached as provided  
9 30 by this chapter.

9 31 ~~15- 19.~~ "Nonresident ~~or alien~~" means a person who does not  
9 32 qualify as a resident ~~of the state of Iowa either because of a~~  
~~9 33 bona fide residence in another state or because of citizenship~~  
~~9 34 of a country other than the United States. However, "alien"~~  
~~9 35 does not include a person who has applied for naturalization~~  
10 1 ~~papers.~~

10 2 ~~16- 20.~~ "Resident" means a person who is legally subject  
10 3 ~~to motor vehicle registration and driver's license laws of~~  
10 4 ~~this state, or who is qualified to vote in an election of this~~  
10 5 ~~state as defined in section 483A.1A.~~

10 6 21. "Roe" means fish eggs.  
10 7 22. "Roe species" means fish harvested for their eggs.  
10 8 Roe species include but are not limited to shovelnose sturgeon  
10 9 and bowfin and any other fish defined as roe species by the  
10 10 commission by rule.

10 11 ~~17- 23.~~ "Waters of the state" means all of the waters  
10 12 under the jurisdiction of the state.

10 13 Sec. 20. Section 482.4, Code 2009, is amended to read as  
10 14 follows:

10 15 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

10 16 1. A person shall not use or operate commercial gear  
10 17 unless at least one individual at the site where the  
10 18 commercial gear is being operated possesses an appropriate  
10 19 valid commercial license, ~~or a designated operator's license.~~  
10 20 A commercial license is valid from the date of issue to  
10 21 January 10 of the succeeding calendar year.

10 22 2. ~~A commercial fisher may designate a person as a~~  
10 23 ~~designated operator to lift and to fish with any licensed~~  
10 24 ~~commercial fishing gear owned by the commercial fisher. A~~  
10 25 ~~commercial fisher shall not have more than five designated~~  
10 26 ~~operators. A designated operator's license shall be assigned~~  
10 27 ~~to not more than three operators during a year and a~~  
10 28 ~~designated operator's license shall be valid for use only by~~  
10 29 ~~an operator who possesses the license and has signed the~~  
10 30 ~~license. The signature of any preceding designated operator~~  
10 31 ~~who possessed the license shall be crossed out. A designated~~  
10 32 ~~operator shall not lift or fish any commercial fishing gear~~  
10 33 ~~without possessing a designated operator's license which is~~  
10 34 ~~signed by the operator. A designated operator's license which~~  
10 35 ~~is not signed by the operator in possession of the license is~~  
11 1 forfeited to the state. Only residents of those states that  
11 2 allow Iowa residents to purchase a nonresident commercial  
11 3 fishing license are eligible to purchase a nonresident  
11 4 commercial fishing license in this state.

11 5 3. ~~A boundary water annual sport trotline license permits~~  
11 6 ~~the licensee to use a maximum of four trotlines with two~~  
11 7 ~~hundred hooks in the aggregate. All boundary water sport~~  
11 8 ~~trotlines shall be tagged with the name and address of the~~  
11 9 ~~licensee on a metal tag affixed above the waterline. A~~  
11 10 commercial fisher who harvests shovelnose sturgeon and bowfin  
11 11 species shall possess a valid commercial fishing license and a  
11 12 valid commercial roe harvester license.

11 13 4. ~~A commercial roe harvester shall submit monthly harvest~~  
11 14 ~~reports to the department during the harvest season. A~~  
11 15 commercial roe harvester shall sell roe only to a commercial  
11 16 roe buyer. A commercial roe harvester shall not possess roe  
11 17 more than five days after the conclusion of the harvest season  
11 18 without possessing a commercial roe buyer's license.

11 19 5. ~~A commercial roe buyer shall submit a monthly roe~~  
11 20 purchase report to the department.

11 21 ~~4- 6.~~ Commercial fishers and commercial turtle fishers  
11 22 shall purchase gear tags from the commission to be affixed to  
11 23 each piece of gear in use. Notwithstanding the fee rates for  
11 24 gear tags ~~of under~~ subsection 7 2, the minimum fee for a gear  
11 25 tag is five dollars. All tags are valid for ten years from  
11 26 the date of issue. In addition to the gear tags, all gear  
11 27 shall be tagged with a ~~metal~~ weather-resistant tag showing the

11 28 name and address of the licensee and whether the gear is fish  
 11 29 or turtle gear.  
 11 30 ~~5- 7.~~ All numbered fish gear tags are interchangeable  
 11 31 among the different types of commercial fishing gear.  
 11 32 ~~6- 8.~~ Annual license fees are as follows:  
 11 33 a. ~~Commercial fish buyer, resident~~ \$ 200.00  
 11 34 b. ~~Commercial fish buyer, nonresident~~ \$ 400.00  
 11 35 ~~a. c.~~ Commercial ~~fishing fisher~~ fisher, resident \$ 200.00  
 12 1 ~~b. d.~~ Commercial ~~fishing fisher~~ fisher, nonresident \$ 400.00  
 12 2 ~~c. e.~~ ~~Designated operator~~ Commercial fish  
 12 3 helper, resident \$ 50.00  
 12 4 ~~d. f.~~ ~~Designated operator~~ Commercial fish  
 12 5 helper, nonresident \$ 100.00  
 12 6 g. ~~Commercial roe buyer, resident~~ \$ 250.00  
 12 7 h. ~~Commercial roe buyer, nonresident~~ \$ 500.00  
 12 8 i. ~~Commercial roe harvester, resident~~ \$ 50.00  
 12 9 j. ~~Commercial roe harvester, nonresident~~ \$3,500.00  
 12 10 k. ~~Commercial turtle buyer, resident~~ \$ 200.00  
 12 11 l. ~~Commercial turtle buyer, nonresident~~ \$ 400.00  
 12 12 ~~e. m.~~ Commercial turtle ~~fisher~~ fisher, resident \$ ~~50.00~~  
 12 13 ~~100.00~~  
 12 14 ~~f. n.~~ Commercial turtle ~~fisher~~ fisher, nonresident \$ ~~100.00~~  
 12 15 ~~400.00~~  
 12 16 ~~g. o.~~ Commercial ~~mussel fisher~~ turtle helper,  
 12 17 resident \$ ~~100.00~~  
 12 18 ~~50.00~~  
 12 19 ~~h. p.~~ Commercial ~~mussel buyer, resident~~ \$1,000.00  
 12 20 ~~turtle helper, nonresident~~ ~~100.00~~  
 12 21 ~~i.~~ Commercial mussel buyer, nonresident \$5,000.00  
 12 22 ~~j.~~ Boundary water sport trotline, resident \$ 10.00  
 12 23 ~~k.~~ Boundary water sport trotline, nonresident \$ 20.00  
 12 24 ~~l.~~ Commercial mussel fisher, nonresident \$2,500.00  
 12 25 ~~m.~~ Commercial mussel helper, resident \$ 50.00  
 12 26 ~~n.~~ Commercial mussel helper, nonresident \$ 200.00  
 12 27 ~~7- 9.~~ Commercial fish gear tags are required on the  
 12 28 following units of commercial fishing gear at the listed fee:  
 12 29 a. Seine, resident, one gear tag for each  
 12 30 100 feet or fraction thereof \$ 1.00  
 12 31 b. Seine, nonresident, one gear tag for  
 12 32 each 100 feet or fraction thereof \$ 2.00  
 12 33 c. Trammel net, resident, one gear tag  
 12 34 for each 100 feet or fraction thereof \$ 1.00  
 12 35 d. Trammel net, nonresident, one gear  
 13 1 tag for each 100 feet or fraction thereof \$ 2.00  
 13 2 e. Gill net, resident, one gear tag for  
 13 3 each 100 feet or fraction thereof \$ 1.00  
 13 4 f. Gill net, nonresident, one gear tag  
 13 5 for each 100 feet or fraction thereof \$ 2.00  
 13 6 g. Entrapment nets, resident, one  
 13 7 gear tag per net \$ 1.00  
 13 8 h. Entrapment nets, nonresident, one  
 13 9 gear tag per net \$ 2.00  
 13 10 i. Commercial trotline, resident, one  
 13 11 gear tag for each 50 hooks or less \$ 1.00  
 13 12 j. Commercial trotline, nonresident,  
 13 13 one gear tag for each 50 hooks or less \$ 2.00  
 13 14 ~~8- 10.~~ Turtle trap gear tags are not interchangeable with  
 13 15 other commercial gear. Turtle trap gear tag fees are as  
 13 16 follows:  
 13 17 a. Commercial turtle trap, resident,  
 13 18 one gear tag per trap \$ 1.00  
 13 19 b. Commercial turtle trap, nonresident,  
 13 20 one gear tag per trap \$ 2.00  
 13 21 Sec. 21. Section 482.5, Code 2009, is amended to read as  
 13 22 follows:  
 13 23 482.5 COMMERCIAL GEAR.  
 13 24 It is lawful for a person who is legally licensed to  
 13 25 ~~harvest~~ commercial fish or commercial turtles to use ~~the~~  
 13 26 commercial ~~fishing~~ gear of a design, construction, size,  
 13 27 season, and all other criteria established by the commission  
 13 28 for taking those species of fish and turtles designated by the  
 13 29 commission by rule.  
 13 30 Sec. 22. Section 482.7, Code 2009, is amended to read as  
 13 31 follows:  
 13 32 482.7 GEAR ATTENDANCE.  
 13 33 1. ~~The~~ A commercial fisher or commercial turtle fisher  
 13 34 licensee or a designated operator must be present when lifting  
 13 35 commercial gear is operated. A commercial fish helper or  
 14 1 commercial turtle helper shall not operate commercial gear  
 14 2 except under the direct supervision of a commercial fisher or  
 14 3 commercial turtle fisher. A nonresident commercial turtle

~~14 4 helper is licensed only to assist a licensed resident or~~  
~~14 5 nonresident commercial turtle fisher. Commercial gear shall~~  
~~14 6 be lifted and emptied of catch as provided by the rules of the~~  
~~14 7 commission. Constant attendance by the licensee or a~~  
~~14 8 designated operator commercial fisher or commercial turtle~~  
~~14 9 fisher of seines, trammel nets, and gill nets is required when~~  
~~14 10 the gear is fished by driving, drive-seining, seining,~~  
~~14 11 floating, or drifting methods. Officers of the commission~~  
~~14 12 shall may grant a reasonable extension of gear attendance~~  
~~14 13 intervals in cases of inclement weather or unsafe conditions~~  
~~14 14 only upon the request of a commercial fisher or commercial~~  
~~14 15 turtle fisher specifying why such an extension is necessary.~~

~~14 16 2. For the purposes of this section, "direct supervision"~~  
~~14 17 means that a commercial fisher or commercial turtle fisher~~  
~~14 18 must be in the same boat, within hand-signal distance, or~~  
~~14 19 within vocal communication distance, without the help of any~~  
~~14 20 electronic or amplifying device, of the commercial fish helper~~  
~~14 21 or commercial turtle helper being supervised.~~

~~14 22 Sec. 23. Section 482.8, subsection 1, Code 2009, is~~  
~~14 23 amended to read as follows:~~

~~14 24 1. It is lawful for licensed commercial fishers,~~  
~~14 25 designated operators, and commercial turtle fishers, and~~  
~~14 26 licensed sport trotline fishers to pursue, take, possess,~~  
~~14 27 process, and transport any commercial fish or their parts,~~  
~~14 28 bait fish, turtles, frogs, salamanders, leeches, crayfish, or~~  
~~14 29 any other aquatic invertebrates for bait unless otherwise~~  
~~14 30 prohibited by law.~~

~~14 31 Sec. 24. Section 482.9, subsection 4, Code 2009, is~~  
~~14 32 amended to read as follows:~~

~~14 33 4. For a person to lift or to fish licensed commercial~~  
~~14 34 gear of another person, except by the licensee and the~~  
~~14 35 licensee's designated operators.~~

~~15 1 Sec. 25. Section 482.10, Code 2009, is amended to read as~~  
~~15 2 follows:~~

~~15 3 482.10 SALE OF COMMERCIAL COMMERCIAL FISH.~~

~~15 4 1. A person possessing a All persons who commercially~~  
~~15 5 take, attempt to take, possess, process, transport, sell,~~  
~~15 6 barter, trade, or buy commercial fish or their parts shall~~  
~~15 7 possess an appropriate, valid commercial fishing license or~~  
~~15 8 designated operator's license may possess and sell any~~  
~~15 9 commercial fish, turtles, or freshwater mussels, or their~~  
~~15 10 parts, which have been lawfully taken. This subsection does~~  
~~15 11 not apply to an individual who buys commercial fish or their~~  
~~15 12 parts from a commercial fisher for personal consumption.~~

~~15 13 a. A commercial fisher license is required to operate~~  
~~15 14 commercial fishing gear and to take, attempt to take, possess,~~  
~~15 15 process, transport, or sell any commercial fish, commercial~~  
~~15 16 turtles, turtle eggs, or turtle parts.~~

~~15 17 b. A commercial fish helper license is required to assist~~  
~~15 18 a commercial fisher in operating commercial fishing gear and~~  
~~15 19 in taking, attempting to take, possessing, processing, or~~  
~~15 20 transporting commercial fish, commercial turtles, turtle eggs,~~  
~~15 21 or turtle parts. A commercial fish helper is not permitted to~~  
~~15 22 buy, sell, barter, or trade commercial fish, commercial~~  
~~15 23 turtles, turtle eggs, or turtle parts. A commercial fish~~  
~~15 24 helper license is not required for a person under sixteen~~  
~~15 25 years of age to assist a commercial fisher as provided in this~~  
~~15 26 paragraph "b".~~

~~15 27 c. A commercial fish buyer license is required to buy,~~  
~~15 28 sell, barter, or trade fish, roe or roe species, or fish~~  
~~15 29 parts. This paragraph does not apply to restaurants; licensed~~  
~~15 30 premises where alcoholic beverages, wine, or beer are sold or~~  
~~15 31 consumed under authority of a liquor control license, wine~~  
~~15 32 permit, or beer permit; and public benefit corporations exempt~~  
~~15 33 from federal income taxation under section 501 of the Internal~~  
~~15 34 Revenue Code, or any successor section, that buy commercial~~  
~~15 35 fish or fish parts for retail sale and human consumption on~~  
~~16 1 their premises.~~

~~16 2 d. A commercial roe harvester license is required to~~  
~~16 3 harvest, possess, process, transport, or sell roe or roe~~  
~~16 4 species or their parts. A commercial roe harvester is not~~  
~~16 5 permitted to buy, barter, or trade roe or roe species or~~  
~~16 6 turtle parts unless in possession of a valid roe buyer~~  
~~16 7 license.~~

~~16 8 e. A commercial roe buyer license is required to buy,~~  
~~16 9 sell, barter, or trade roe or roe species. This paragraph~~  
~~16 10 does not apply to restaurants; licensed premises where~~  
~~16 11 alcoholic beverages, wine, or beer are sold or consumed under~~  
~~16 12 authority of a liquor control license, wine permit, or beer~~  
~~16 13 permit; and public benefit corporations exempt from federal~~  
~~16 14 income taxation under section 501 of the Internal Revenue~~

~~16 15 Code, or any successor section, that buy roe or roe species~~  
~~16 16 for retail sale and human consumption on their premises or to~~  
~~16 17 an individual who buys roe or roe species from a commercial~~  
~~16 18 roe harvester for personal consumption.~~

~~16 19 2. All intrastate and interstate shipments of commercial~~  
~~16 20 fish, or turtles, or roe or roe species, must be accompanied~~  
~~16 21 by a label which shows the name and address of the seller and~~  
~~16 22 the kinds and pounds of the catches being sold. Individuals~~  
~~16 23 purchasing fish, turtles, or mussels from a commercial fisher,~~  
~~16 24 turtle fisher, or mussel fisher need not possess a license.~~

~~16 25 Sec. 26. Section 482.11, subsections 1 and 3, Code 2009,~~  
~~16 26 are amended to read as follows:~~

~~16 27 1. A person shall not~~ All persons who commercially take,  
~~16 28 attempt to take, possess, process, transport, or sell turtles,~~  
~~16 29 turtle eggs from the waters of the state without, or turtle~~  
~~16 30 parts shall possess an appropriate, valid commercial license.~~  
~~16 31 This subsection does not apply to an individual who buys~~  
~~16 32 turtles, turtle eggs, or turtle parts from a commercial fisher~~  
~~16 33 or a commercial turtle fisher for personal consumption.~~

~~16 34 a. A valid sport fishing license entitles a person~~  
~~16 35 commercial turtle fisher license is required to operate~~  
~~17 1 commercial turtle fishing gear and to take and, attempt to~~  
~~17 2 take, possess a maximum of one hundred pounds of live turtles~~  
~~17 3 or fifty pounds of dressed turtles, process, transport, sell,~~  
~~17 4 barter, or trade commercial turtles, turtle eggs, or turtle~~  
~~17 5 parts. Nonresident commercial turtle fishers shall harvest~~  
~~17 6 commercial turtles only from the boundary waters. The sale of~~  
~~17 7 live or dressed turtles is not permitted with a sport fishing~~  
~~17 8 license.~~

~~17 9 b. A commercial turtle helper license is required to take~~  
~~17 10 and possess more than one hundred pounds of live or fifty~~  
~~17 11 pounds of dressed turtles. The holder of assist a commercial~~  
~~17 12 turtle license may sell live or dressed turtles fisher in~~  
~~17 13 operating commercial turtle fishing gear, and in taking,~~  
~~17 14 attempting to take, possessing, processing, or transporting~~  
~~17 15 commercial turtles, turtle eggs, or turtle parts. A~~  
~~17 16 commercial turtle helper is not permitted to buy, sell,~~  
~~17 17 barter, or trade commercial turtles, turtle eggs, or turtle~~  
~~17 18 parts. A commercial turtle helper license is not required for~~  
~~17 19 a person under sixteen years of age to assist a commercial~~  
~~17 20 turtle fisher as provided in this paragraph "b".~~

~~17 21 c. A commercial turtle buyer license is required to engage~~  
~~17 22 in the business of buying, selling, bartering, or trading~~  
~~17 23 commercial turtles, turtle eggs, or turtle parts. This~~  
~~17 24 provision does not apply to restaurants; licensed premises~~  
~~17 25 where alcoholic beverages, wine, or beer are sold or consumed~~  
~~17 26 under authority of a liquor control license, wine permit, or~~  
~~17 27 beer permit; and public benefit corporations exempt from~~  
~~17 28 federal income taxation under section 501 of the Internal~~  
~~17 29 Revenue Code, or any successor section, that buy commercial~~  
~~17 30 turtles, turtle eggs, or turtle parts for retail sale and~~  
~~17 31 human consumption on their premises.~~

~~17 32 e. d. A commercial fishing fisher license or a designated~~  
~~17 33 operator's license entitles commercial fishers to operate any~~  
~~17 34 licensed commercial fishing gear for taking, possessing, or~~  
~~17 35 selling and to take, attempt to take, possess, process, and~~  
~~18 1 sell, barter, or trade turtles, turtle eggs, or turtle parts,~~  
~~18 2 taken with such commercial fishing gear.~~

~~18 3 d. An individual possessing a valid commercial turtle~~  
~~18 4 license may have the assistance of one unlicensed individual~~  
~~18 5 in the commercial taking of turtles.~~

~~18 6 3. The method of taking turtles shall only be by hand,~~  
~~18 7 hook-and-line, turtle hook, turtle trap, licensed commercial~~  
~~18 8 fishing gear, or other means designated by commission rules.~~  
~~18 9 Sport fishers may also use hook-and-line in catching turtles.~~

~~18 10 Sec. 27. Section 482.11, subsection 4, Code 2009, is~~  
~~18 11 amended by striking the subsection.~~

~~18 12 Sec. 28. Section 482.12, subsection 1, Code 2009, is~~  
~~18 13 amended by striking the subsection and inserting in lieu~~  
~~18 14 thereof the following:~~

~~18 15 1. A commercial fisher licensee or commercial fish helper~~  
~~18 16 licensee is permitted to take or possess up to twenty-four~~  
~~18 17 whole freshwater mussels or forty-eight mussel shell halves.~~  
~~18 18 A commercial fisher licensee or commercial fish helper~~  
~~18 19 licensee is not permitted to buy, sell, barter, or trade~~  
~~18 20 freshwater mussels or mussel shells. Only mussels designated~~  
~~18 21 by the department, by rule, as a legal bait species, may be~~  
~~18 22 taken or possessed pursuant to this subsection.~~

~~18 23 Sec. 29. Section 482.14, Code 2009, is amended to read as~~  
~~18 24 follows:~~

~~18 25 482.14 REPORTS AND RECORDS REQUIRED == INSPECTIONS.~~



18 26 1. All commercial fishers, commercial turtle fishers,  
 18 27 commercial ~~mussel fishers~~ roe harvesters, and commercial  
 18 28 ~~mussel roe~~ buyers shall submit a monthly report supplying all  
 18 29 information requested on forms furnished by the commission.  
 18 30 Reports must be received by the commission no later than the  
 18 31 fifteenth day of the following month.  
 18 32 2. Commercial fish buyers and commercial turtle buyers  
 18 33 shall maintain accurate records of all transactions. The  
 18 34 records shall contain the number, weight, and species of fish  
 18 35 or turtles purchased, the name and address of the seller, and  
 19 1 the county or pools where the fish or turtles were taken. The  
 19 2 records shall be updated monthly. Such records shall be  
 19 3 available for examination by employees of the department upon  
 19 4 request.  
 19 5 3. Commercial roe buyers shall utilize a receipt with at  
 19 6 least two parts, with one original and at least one copy of  
 19 7 each receipt, for each purchase of commercial roe species and  
 19 8 roe. The original of the receipt shall be kept by the  
 19 9 commercial roe buyer and a copy of the receipt shall be given  
 19 10 to the commercial roe harvester selling the commercial roe  
 19 11 species or roe. Commercial roe buyers and commercial roe  
 19 12 harvesters shall retain such receipts for five years following  
 19 13 the date of the transaction.  
 19 14 4. Facilities and records of commercial fish buyers,  
 19 15 commercial turtle buyers, commercial roe harvesters, and  
 19 16 commercial roe buyers shall be open at all reasonable times  
 19 17 for inspection by any conservation officer.  
 19 18 Sec. 30. Section 483A.1, Code 2009, is amended to read as  
 19 19 follows:  
 19 20 483A.1 LICENSES == FEES.  
 19 21 1. Except as otherwise provided in this chapter, a ~~person~~  
 19 22 ~~resident~~ shall not fish, trap, hunt, pursue, catch, kill, take  
 19 23 in any manner, use, have possession of, sell, or transport all  
 19 24 or a part of any wild animal, bird, game, or fish, the  
 19 25 protection and regulation of which is desirable for the  
 19 26 conservation of resources of the state, without first  
 19 27 obtaining a license for that purpose and the payment of a fee  
 19 28 as follows:  
 19 29 ~~1. Residents:~~  
 19 30 a. Fishing license \$ 17.00  
 19 31 23.50  
 19 32 b. Fishing license, lifetime, sixty=five  
 19 33 years or older \$ 50.50  
 19 34 c. Hunting license \$ 17.00  
 19 35 23.50  
 20 1 d. Hunting license, lifetime, sixty=five  
 20 2 years or older \$ 50.50  
 20 3 e. Deer hunting license, antlered or any  
 20 4 sex deer \$ 25.50  
 20 5 35.50  
 20 6 f. Deer hunting license, antlerless deer only \$ 15.00  
 20 7 ~~f. g.~~ Wild turkey hunting license \$ 22.50  
 20 8 27.50  
 20 9 ~~g. h.~~ Fur harvester license, sixteen years  
 20 10 or older \$ 20.50  
 20 11 36.00  
 20 12 ~~h. i.~~ Fur harvester license, under sixteen  
 20 13 years of age \$ 5.50  
 20 14 ~~i. j.~~ Fur dealer license \$ 225.50  
 20 15 ~~j. k.~~ Aquaculture unit license \$ 25.50  
 20 16 ~~k. l.~~ Retail bait dealer license \$ 30.50  
 20 17 ~~l. m.~~ Fishing license, seven=day \$ 11.50  
 20 18 15.00  
 20 19 ~~m. n.~~ Trout fishing fee \$ 10.50  
 20 20 13.00  
 20 21 ~~n. o.~~ Game breeder license \$ 15.50  
 20 22 ~~o. p.~~ Taxidermy license \$ 15.50  
 20 23 ~~p. q.~~ Falconry license \$ 20.50  
 20 24 ~~q. r.~~ Wildlife habitat fee \$ 11.00  
 20 25 13.50  
 20 26 ~~r. s.~~ Migratory game bird fee \$ 8.00  
 20 27 11.50  
 20 28 ~~s. t.~~ Fishing license, one=day \$ 7.50  
 20 29 8.00  
 20 30 ~~t. u.~~ Wholesale bait dealer license \$ 125.00  
 20 31 v. Boundary waters sport trotline license,  
 20 32 annual \$ 20.50  
 20 33 2. ~~Nonresidents:~~ Except as otherwise provided in this  
 20 34 chapter, a nonresident shall not fish, trap, hunt, pursue,  
 20 35 catch, kill, take in any manner, use, have possession of,  
 21 1 sell, or transport all or a part of any wild animal, bird,

21 2 game, or fish, the protection and regulation of which is  
 21 3 desirable for the conservation of resources of the state,  
 21 4 without first obtaining a license for that purpose and the  
 21 5 payment of a fee as follows:  
 21 6 a. Fishing license, annual \$ 39.00  
 21 7 49.50  
 21 8 b. Fishing license, seven=day \$ 30.00  
 21 9 35.50  
 21 10 c. Hunting license, eighteen years of  
 21 11 age or older \$ 80.00  
 21 12 110.00  
 21 13 d. Hunting license, under eighteen  
 21 14 years of age \$ 30.00  
 21 15 e. Deer hunting license, antlered or  
 21 16 any sex deer \$ 220.00  
 21 17 295.00  
 21 18 f. Preference point issued under section  
 21 19 483A.7, subsection 3, paragraph "b", or section  
 21 20 483A.8, subsection 3, paragraph "e" \$ 50.00  
 21 21 ~~f. g.~~ Deer hunting license, antlerless  
 21 22 deer only, required with the purchase  
 21 23 of an antlered or any sex deer hunting  
 21 24 license \$ 100.00  
 21 25 125.00  
 21 26 ~~g. h.~~ Deer hunting license, antlerless  
 21 27 deer only \$ 150.00  
 21 28 200.00  
 21 29 i. Holiday deer hunting license issued  
 21 30 under section 483A.8, subsection 6, antlerless  
 21 31 deer only \$ 75.00  
 21 32 ~~h. j.~~ Wild turkey hunting license \$ 100.00  
 21 33 125.00  
 21 34 ~~i. k.~~ Fur harvester license \$ 200.00  
 21 35 275.00  
 22 1 ~~j. l.~~ Fur dealer license \$ 501.00  
 22 2 ~~k. m.~~ Location permit for fur dealers \$ 56.00  
 22 3 ~~l. n.~~ Aquaculture unit license \$ 56.00  
 22 4 ~~m. o.~~ Retail bait dealer license \$ 125.00  
 22 5 or the amount for the same type of  
 22 6 license in the nonresident's state,  
 22 7 whichever is greater  
 22 8 ~~n. p.~~ Trout fishing fee \$ 13.00  
 22 9 17.50  
 22 10 ~~o. q.~~ Game breeder license \$ 26.00  
 22 11 ~~p. r.~~ Taxidermy license \$ 26.00  
 22 12 ~~q. s.~~ Falconry license \$ 26.00  
 22 13 ~~r. t.~~ Wildlife habitat fee \$ 11.00  
 22 14 13.50  
 22 15 ~~s. u.~~ Migratory game bird fee \$ 8.00  
 22 16 11.50  
 22 17 ~~t. v.~~ Fishing license, three=day \$ 15.50  
 22 18 21.00  
 22 19 ~~u. w.~~ Wholesale bait dealer license \$ 250.00  
 22 20 or the amount for the same type of  
 22 21 license in the nonresident's state,  
 22 22 whichever is greater  
 22 23 ~~v. x.~~ Fishing license, one=day \$ 8.50  
 22 24 10.00  
 22 25 y. Boundary waters sport trotline  
 22 26 license, annual \$ 40.50  
 22 27 3. On or after January 10, 2013, and on or after January  
 22 28 10 of each year thereafter, the fees in this section may be  
 22 29 adjusted, pursuant to rules adopted under chapter 17A, in an  
 22 30 amount less than or equal to the percentage of increase in the  
 22 31 consumer price index for the midwest urban region, published  
 22 32 in the federal register by the federal department of labor,  
 22 33 bureau of labor statistics, for the twelve=month period ending  
 22 34 June 30 of the year prior to the year that the increase will  
 22 35 be effective.  
 23 1 4. The commission is authorized, pursuant to rules adopted  
 23 2 under chapter 17A, to develop combination packages of licenses  
 23 3 in order to offer incentives to residents to purchase  
 23 4 additional licenses or for the specific purpose of increasing  
 23 5 sales of licenses that will help to recruit or retain hunters,  
 23 6 anglers, and trappers in the state. The total cost of each  
 23 7 combination package of licenses offered shall be less than the  
 23 8 total cost of the licenses if each was purchased separately.  
 23 9 Sec. 31. Section 483A.1A, Code 2009, is amended by adding  
 23 10 the following new subsections:  
 23 11 NEW SUBSECTION. 01. "Boundary waters" means the waters of  
 23 12 the Mississippi, Missouri, and Big Sioux rivers.

23 13 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
23 14 not a resident as defined in subsection 7.  
23 15 NEW SUBSECTION. 6B. "Principal and primary residence or  
23 16 domicile" means the one and only place where a person has a  
23 17 true, fixed, and permanent home, and to where, whenever the  
23 18 person is briefly and temporarily absent, the person intends  
23 19 to return. Relevant factors in determining a person's  
23 20 principal and primary residence or domicile include but are  
23 21 not limited to proof of place of employment, mailing address,  
23 22 utility records, land ownership records, vehicle registration,  
23 23 and address listed on the person's state and federal income  
23 24 tax returns. A person shall submit documentation to establish  
23 25 the person's principal and primary residence or domicile to  
23 26 the department or its designee upon request. The department  
23 27 or its designee shall keep confidential any document received  
23 28 pursuant to such a request if the document is required to be  
23 29 kept confidential by state or federal law.

23 30 Sec. 32. Section 483A.1A, subsection 7, Code 2009, is  
23 31 amended to read as follows:

23 32 7. "Resident" means a natural person who meets any of the  
23 33 following criteria during each year in which the person claims  
23 34 status as a resident:

23 35 a. Has physically resided in this state ~~at least thirty as~~  
24 1 ~~the person's principal and primary residence or domicile for a~~  
24 2 ~~period of not less than one hundred eighty consecutive days~~  
24 3 ~~immediately before applying for or purchasing a resident~~  
24 4 ~~license, tag, or permit under this chapter and has been issued~~  
24 5 ~~an Iowa driver's license or an Iowa nonoperator's~~  
24 6 ~~identification card. A person is not considered a resident~~  
24 7 ~~under this paragraph if the person is residing in the state~~  
24 8 ~~only for a special or temporary purpose including but not~~  
24 9 ~~limited to engaging in hunting, fishing, or trapping.~~

24 10 b. Is a full-time student at either of the following:

24 11 (1) ~~an~~ An accredited educational institution located in  
24 12 this state and resides in this state while attending the  
24 13 educational institution.

24 14 (2) An accredited educational institution located outside  
24 15 of this state, if the person is under the age of twenty-five

24 16 and has at least one parent or legal guardian who maintains a  
24 17 principal and primary residence or domicile in this state.

24 18 c. ~~A~~ Is a student who qualifies as a resident pursuant to  
24 19 ~~this paragraph "b"~~ only for the purpose of purchasing any  
24 20 resident license specified in section 483A.1 or 484A.2.

24 21 ~~c.~~ d. Is a nonresident under eighteen years of age whose  
24 22 parent is a resident of this state.

24 23 ~~d.~~ e. Is a member of the armed forces of the United States  
24 24 who is serving on active duty, claims residency in this state,  
24 25 and has filed a state individual income tax return as a  
24 26 resident pursuant to chapter 422, division II, for the  
24 27 preceding tax year, or is stationed in this state.

24 28 ~~e. Is registered to vote in this state.~~

24 29 Sec. 33. Section 483A.2, Code 2009, is amended to read as  
24 30 follows:

24 31 483A.2 DUAL RESIDENCY.

24 32 A resident license shall be limited to persons who do not  
24 33 claim any resident privileges, except as defined in section  
24 34 483A.1A, subsection 7, paragraphs "b", "c", ~~and "d", and "e".~~  
24 35 in another state or country. A person shall not purchase or  
25 1 apply for any resident license or permit if that person has  
25 2 claimed residency in any other state or country.

25 3 Sec. 34. Section 483A.3, subsection 1, Code 2009, is  
25 4 amended to read as follows:

25 5 1. A resident or nonresident person required to have a  
25 6 hunting or fur harvester license shall not hunt or trap unless  
25 7 the person has paid the wildlife habitat fee. This section  
25 8 shall not apply to residents who have permanent disabilities  
25 9 or who are younger than sixteen or older than sixty-five years  
25 10 of age. Wildlife habitat fees shall be administered in the  
25 11 same manner as hunting and fur harvester licenses except all  
25 12 revenue derived from wildlife habitat fees shall be used  
25 13 within the state of Iowa for habitat development and shall be  
25 14 deposited in the state fish and game protection fund, except  
25 15 as provided in subsection 2. The revenue may be used for the  
25 16 matching of federal funds. The revenues and any matched  
25 17 federal funds shall be used for acquisition of land, leasing  
25 18 of land to provide hunting or trapping access, or obtaining of  
25 19 easements from willing sellers for use as wildlife habitats.  
25 20 Notwithstanding the exemption provided by section 427.1, any  
25 21 land acquired with the revenues and matched federal funds  
25 22 shall be subject to the full consolidated levy of property  
25 23 taxes which shall be paid from those revenues. In addition

25 24 the revenue may be used for the development and enhancement of  
25 25 wildlife lands and habitat areas. Not less than fifty percent  
25 26 of all revenue from wildlife habitat fees shall be used by the  
25 27 commission to enter into agreements with county conservation  
25 28 boards or other public agencies in order to carry out the  
25 29 purposes of this section. The state share of funding of those  
25 30 agreements provided by the revenue from wildlife habitat fees  
25 31 shall not exceed seventy-five percent.

25 32 Sec. 35. Section 483A.3, Code 2009, is amended by adding  
25 33 the following new subsection:

25 34 NEW SUBSECTION. 4. Any increase in revenues received on  
25 35 or after July 1, 2009, pursuant to this section as a result of  
26 1 increases in the wildlife habitat fee enacted in the section  
26 2 of this Act amending section 483A.1 shall be used by the  
26 3 commission only for the purposes set forth in subsections 1  
26 4 and 2 of this section.

26 5 Sec. 36. Section 483A.7, subsection 3, Code 2009, is  
26 6 amended to read as follows:

26 7 3. a. A nonresident wild turkey hunter is required to  
26 8 have a nonresident hunting license and a nonresident wild  
26 9 turkey hunting license and pay the wildlife habitat fee. The  
26 10 commission shall annually limit to two thousand three hundred  
26 11 licenses determine the number of nonresidents allowed to have  
26 12 wild turkey hunting licenses. Of the two thousand three  
26 13 hundred predetermined number of licenses, one hundred fifty  
26 14 licenses issued, six percent shall be valid for hunting with  
26 15 muzzle loading shotguns only. The commission shall allocate  
26 16 the nonresident wild turkey hunting licenses issued among the  
26 17 zones based on the populations of wild turkey. A nonresident  
26 18 applying for a wild turkey hunting license must exhibit proof  
26 19 of having successfully completed a hunter safety and ethics  
26 20 education program as provided in section 483A.27 or its  
26 21 equivalent as determined by the department before the license  
26 22 is issued.

26 23 b. The commission shall assign one preference point to a  
26 24 nonresident whose application for a nonresident wild turkey  
26 25 hunting license is denied due to limitations on the number of  
26 26 nonresident wild turkey hunting licenses available for  
26 27 issuance that year. An additional preference point shall be  
26 28 assigned to that person each subsequent year the person's  
26 29 license application is denied for that reason. A nonresident  
26 30 may purchase additional preference points pursuant to section  
26 31 481A.1, subsection 2, paragraph "f". The first nonresident  
26 32 wild turkey hunting license drawing each year shall be made  
26 33 from the pool of applicants with the most preference points  
26 34 and continue to pools of applicants with successively fewer  
26 35 preference points until all available nonresident wild turkey  
27 1 hunting licenses have been issued. If a nonresident applicant  
27 2 receives a wild turkey hunting license, all of the applicant's  
27 3 assigned preference points at that time shall be removed.

27 4 Sec. 37. Section 483A.8, subsections 1, 3, 4, 5, and 6,  
27 5 Code 2009, are amended to read as follows:

27 6 1. A resident hunting deer who is required to have a  
27 7 hunting license must have a resident hunting license in  
27 8 addition to the deer hunting license and must pay the wildlife  
27 9 habitat fee. In addition, a resident who purchases a deer  
27 10 hunting license shall pay a one dollar fee of one dollar and  
27 11 fifty cents that shall be used and is appropriated for the  
27 12 purpose of deer herd population management, including  
27 13 assisting with the cost of processing deer donated to the help  
27 14 us stop hunger program administered by the commission.

27 15 3. a. A nonresident hunting deer is required to have a  
27 16 nonresident hunting license and a nonresident deer hunting  
27 17 license and must pay the wildlife habitat fee. In addition, a  
27 18 nonresident who purchases a deer hunting license shall pay a  
27 19 one dollar fee of one dollar and fifty cents that shall be  
27 20 used and is appropriated for the purpose of deer herd  
27 21 population management, including assisting with the cost of  
27 22 processing deer donated to the help us stop hunger program  
27 23 administered by the commission.

27 24 b. A nonresident who purchases an antlered or any sex deer  
27 25 hunting license pursuant to section 483A.1, subsection 2,  
27 26 paragraph "e", is required to purchase an antlerless deer only  
27 27 deer hunting license at the same time, pursuant to section  
27 28 483A.1, subsection 2, paragraph ~~"f"~~ "g".

27 29 c. The commission shall annually ~~limit to six thousand~~  
27 30 determine the number of nonresidents allowed to have  
27 31 nonresident antlered or any sex deer hunting licenses that  
27 32 will be available for issuance. Of the six thousand  
27 33 nonresident antlered or any sex deer hunting licenses issued,  
27 34 not more than thirty-five percent of the licenses shall be bow

27 35 season licenses. After the ~~six thousand~~ predetermined number  
28 1 of antlered or any sex nonresident deer hunting licenses have  
28 2 been issued, all additional licenses shall be issued for  
28 3 antlerless deer only. The commission shall annually determine  
28 4 the number of nonresident antlerless deer only deer hunting  
28 5 licenses that will be available for issuance.  
28 6 d. The commission shall allocate all resident and  
28 7 nonresident deer hunting licenses issued among the zones ~~based~~  
28 ~~8 on the populations of deer using a county-by-county system.~~  
28 9 However, a nonresident applicant may request one or more  
28 10 hunting zones, in order of preference, in which the applicant  
28 11 wishes to hunt. If the request cannot be fulfilled, the  
28 12 applicable fees shall be returned to the applicant. A  
28 13 nonresident applying for a deer hunting license must exhibit  
28 14 proof of having successfully completed a hunter safety and  
28 15 ethics education program as provided in section 483A.27 or its  
28 16 equivalent as determined by the department before the license  
28 17 is issued.  
28 18 e. The commission shall assign one preference point to a  
28 19 nonresident whose application for a nonresident antlered or  
28 20 any sex deer hunting license is denied due to limitations on  
28 21 the number of nonresident antlered or any sex deer hunting  
28 22 licenses available for issuance that year. An additional  
28 23 preference point shall be assigned to that person each  
28 24 subsequent year the person's license application is denied for  
28 25 that reason. A nonresident may purchase additional preference  
28 26 points pursuant to section 483A.1, subsection 2, paragraph  
28 27 "f". The first nonresident antlered or any sex deer hunting  
28 28 license drawing each year shall be made from the pool of  
28 29 applicants with the most preference points and continue to  
28 30 pools of applicants with successively fewer preference points  
28 31 until all available nonresident antlered or any sex deer  
28 32 hunting licenses have been issued. If a nonresident applicant  
28 33 receives an antlered or any sex deer hunting license, all of  
28 34 the applicant's assigned preference points at that time shall  
28 35 be removed.

29 1 4. The commission may provide, by rule, for the issuance  
29 2 of an additional antlerless deer hunting license to a person  
29 3 who has been issued an antlerless deer hunting license. The  
29 4 rules shall specify the number of additional antlerless deer  
29 5 hunting licenses which may be issued, and the season and zone  
29 6 in which the license is valid. The fee for an additional  
29 7 antlerless deer hunting license shall be ~~ten~~ fifteen dollars  
29 8 for residents.

29 9 5. A nonresident owning land in this state may apply for a  
29 10 nonresident antlered or any sex deer hunting license, and the  
29 11 provisions of subsection 3 shall apply. However, if a  
29 12 nonresident owning land in this state is unsuccessful in  
29 13 obtaining one of the nonresident antlered or any sex deer  
29 14 hunting licenses, the landowner shall be given preference for  
29 15 one of the antlerless deer only nonresident deer hunting  
29 16 licenses available pursuant to subsection 3. A nonresident  
29 17 owning land in this state shall pay the fee for a nonresident  
29 18 antlerless only deer hunting license and the license shall be  
29 19 valid to hunt on the nonresident's land only. If one or more  
29 20 parcels of land have multiple nonresident owners, only one of  
29 21 the nonresident owners is eligible for a nonresident  
29 22 antlerless only deer hunting license. If a nonresident  
29 23 jointly owns land in this state with a resident, the  
29 24 nonresident shall not be given preference for a nonresident  
29 25 antlerless only deer hunting license. The department may  
29 26 require proof of land ownership from a nonresident landowner  
29 27 applying for a nonresident antlerless only deer hunting  
29 28 license.

29 29 6. The commission shall provide by rule for the annual  
29 30 issuance to a nonresident of a nonresident antlerless deer  
29 31 hunting license that is valid for use only during the period  
29 32 beginning on December 24 and ending at sunset on January 2 of  
29 33 the following year, and costs ~~fifty~~ seventy-five dollars. A  
29 34 nonresident hunting deer with a license issued under this  
29 35 subsection shall be otherwise qualified to hunt deer in this  
30 1 state and shall have a nonresident hunting license, pay the  
30 2 wildlife habitat fee, and pay ~~the one dollar~~ a fee of one  
30 3 dollar and fifty cents for the purpose of deer herd population  
30 4 management as provided in subsection 3. Pursuant to this  
30 5 subsection, the commission shall make available for issuance  
30 6 only the remaining nonresident antlerless deer hunting  
30 7 licenses allocated under subsection 3 that have not yet been  
30 8 issued for the current year's nonresident antlerless deer  
30 9 hunting seasons.

30 10 Sec. 38. Section 483A.8A, Code 2009, is amended to read as

30 11 follows:

30 12 483A.8A DEER AND WILD TURKEY HARVEST REPORTING SYSTEM.

30 13 1. The commission shall provide, by rule, for the  
30 14 establishment of a deer and wild turkey harvest reporting  
30 15 system for the purpose of collecting information from ~~deer~~  
30 16 hunters concerning the deer and wild turkey population in this  
30 17 state. Each person who is issued a deer or wild turkey  
30 18 hunting license in this state shall report such information  
30 19 pursuant to this section. Information collected by the  
30 20 commission pursuant to the deer and wild turkey harvest  
30 21 reporting system from a ~~deer~~ hunter who takes a deer or wild  
30 22 turkey shall be limited to the following:

30 23 a. The county where the deer or wild turkey was taken.  
30 24 b. The season during which the deer or wild turkey was  
30 25 taken.  
30 26 c. The sex of the deer or wild turkey taken.  
30 27 d. The age of the deer or wild turkey taken.  
30 28 e. The type of weapon used.  
30 29 f. The hunting license number of the hunter.  
30 30 g. The number of days the hunter hunted.  
30 31 h. The total number of deer or wild turkey taken by the  
30 32 hunter.

30 33 2. The deer and wild turkey harvest reporting system  
30 34 established by the commission shall utilize and is limited to  
30 35 utilizing one or more of the following methods of reporting  
31 1 deer or wild turkey taken by hunters:

31 2 a. A toll-free telephone number.  
31 3 b. A postcard.  
31 4 c. Reporting at an electronic licensing location.  
31 5 d. Electronic internet communication.  
31 6 Sec. 39. Section 483A.10, Code 2009, is amended to read as  
31 7 follows:

31 8 483A.10 ISSUANCE OF LICENSES.

31 9 1. The licenses and combination packages of licenses  
31 10 issued pursuant to this chapter shall be issued by the  
31 11 department or the license agents as specified by rules of the  
31 12 commission. A county recorder may issue licenses or  
31 13 combination packages of licenses subject to the rules of the  
31 14 commission.

31 15 2. The rules shall include the application procedures as  
31 16 necessary. The licenses and combination packages of licenses  
31 17 shall show the total cost of the license or combination  
31 18 package of licenses, including a writing fee to be retained by  
31 19 the license agent and any administrative fees to be forwarded  
31 20 to the department, if applicable. A person authorized to  
31 21 issue a license or combination package of licenses or collect  
31 22 a fee pursuant to this chapter or chapter 484A shall charge  
31 23 the fee specified in this chapter or chapter 484A only plus a  
31 24 writing fee and administrative fee, if applicable.

31 25 Sec. 40. Section 483A.12, Code 2009, is amended to read as  
31 26 follows:

31 27 483A.12 FEES.

31 28 1. The license agent shall be responsible for all fees for  
31 29 the issuance of hunting, fishing, ~~and~~ fur harvester licenses,  
31 30 and combination packages of licenses sold by the license

31 31 agent. All unused license blanks shall be surrendered to the  
31 32 department upon the department's demand.

31 33 2. A license agent shall retain a writing fee of ~~fifty~~  
31 34 seventy-five cents from the sale of each license or  
31 35 combination package of licenses except that the writing fee

32 1 for a free deer or wild turkey license as authorized under  
32 2 section 483A.24, subsection 2, shall be one dollar and  
32 3 twenty-five cents. If a county recorder is a license agent,

32 4 the writing fees retained by the county recorder shall be  
32 5 deposited in the general fund of the county.

32 6 Sec. 41. Section 483A.14, Code 2009, is amended to read as  
32 7 follows:

32 8 483A.14 DUPLICATE LICENSES AND PERMITS.

32 9 1. When any license for which a fee has been set has been  
32 10 lost, destroyed, or stolen, the director or a license agent  
32 11 may issue a replacement license, if evidence is available to  
32 12 demonstrate issuance of the original license and a fee of two  
32 13 dollars and twenty-five cents is paid, to be placed in the  
32 14 fish and game protection fund. If, on examination of the  
32 15 evidence, the director or the license agent, as the case may  
32 16 be, is satisfied that the license has been lost, destroyed, or  
32 17 stolen, the director or the license agent shall issue a  
32 18 duplicate license which shall be plainly marked "duplicate"  
32 19 and the duplicate shall serve in lieu of the original license  
32 20 and it shall contain the same information and signature as the  
32 21 original.

32 22 2. The license agent shall charge a writing fee of one  
32 23 dollar and twenty-five cents and the departmental  
32 24 administrative fee for each duplicate license issued pursuant  
32 25 to this section. The license agent shall retain the writing  
32 26 fee.

32 27 Sec. 42. Section 483A.24, subsection 2, paragraphs c and  
32 28 d, Code 2009, are amended to read as follows:

32 29 c. Upon written application on forms furnished by the  
32 30 department, the department shall issue annually without fee  
32 31 two deer hunting licenses, one antlered or any sex deer  
32 32 hunting license and one antlerless deer only deer hunting  
32 33 license, to the owner of a farm unit or a member of the  
32 34 owner's family, but only a total of two licenses for both, and  
32 35 to the tenant of a farm unit or a member of the tenant's  
33 1 family, but only a total of two licenses for both. The deer  
33 2 hunting licenses issued shall be valid only for use on the  
33 3 farm unit for which the applicant applies pursuant to this  
33 4 paragraph. The owner or the tenant need not reside on the  
33 5 farm unit to qualify for the free deer hunting licenses to  
33 6 hunt on that farm unit. The free deer hunting licenses issued  
33 7 pursuant to this paragraph shall be valid and may be used  
33 8 during any shotgun deer season. The licenses may be used to  
33 9 harvest deer in two different seasons. In addition, a person  
33 10 who receives a free deer hunting license pursuant to this  
33 11 paragraph shall pay a ~~one-dollar~~ fee of one dollar and fifty  
33 12 cents for each license that shall be used and is appropriated  
33 13 for the purpose of deer herd population management, including  
33 14 assisting with the cost of processing deer donated to the help  
33 15 us stop hunger program administered by the commission.

33 16 d. In addition to the free deer hunting licenses received  
33 17 pursuant to paragraph "c", an owner of a farm unit or a member  
33 18 of the owner's family and the tenant or a member of the  
33 19 tenant's family may purchase a deer hunting license for any  
33 20 option offered to paying deer hunting licensees. An owner of  
33 21 a farm unit or a member of the owner's family and the tenant  
33 22 or a member of the tenant's family may also purchase two  
33 23 additional antlerless deer hunting licenses which are valid  
33 24 only on the farm unit for a fee of ~~ten~~ fifteen dollars each.

33 25 Sec. 43. Section 483A.24, subsections 3 and 4, Code 2009,  
33 26 are amended to read as follows:

33 27 3. The director shall provide up to seventy-five  
33 28 nonresident deer hunting licenses for allocation as requested  
33 29 by a majority of a committee consisting of the majority leader  
33 30 of the senate, speaker of the house of representatives, and  
33 31 director of the department of economic development, or their  
33 32 designees. The licenses provided pursuant to this subsection  
33 33 shall be in addition to the number of nonresident licenses  
33 34 ~~authorized~~ determined pursuant to section 483A.8. The purpose  
33 35 of the special nonresident licenses is to allow state  
34 1 officials and local development groups to promote the state  
34 2 and its natural resources to nonresident guests and  
34 3 dignitaries. Photographs, videotapes, or any other form of  
34 4 media resulting from the hunting visitation shall not be used  
34 5 for political campaign purposes. The nonresident licenses  
34 6 shall be issued without application upon payment of the  
34 7 nonresident deer hunting license fee and the wildlife habitat  
34 8 fee. The licenses are valid in all zones open to deer  
34 9 hunting. The hunter safety and ethics education certificate  
34 10 requirement pursuant to section 483A.27 is waived for a  
34 11 nonresident issued a license pursuant to this subsection.

34 12 4. The director shall provide up to twenty-five  
34 13 nonresident wild turkey hunting licenses for allocation as  
34 14 requested by a majority of a committee consisting of the  
34 15 majority leader of the senate, speaker of the house of  
34 16 representatives, and director of the department of economic  
34 17 development, or their designees. The licenses provided  
34 18 pursuant to this subsection shall be in addition to the number  
34 19 of nonresident licenses ~~authorized~~ determined pursuant to  
34 20 section 483A.7. The purpose of the special nonresident  
34 21 licenses is to allow state officials and local development  
34 22 groups to promote the state and its natural resources to  
34 23 nonresident guests and dignitaries. Photographs, videotapes,  
34 24 or any other form of media resulting from the hunting  
34 25 visitation shall not be used for political campaign purposes.  
34 26 The nonresident licenses shall be issued without application  
34 27 upon payment of the nonresident wild turkey hunting license  
34 28 fee and the wildlife habitat fee. The licenses are valid in  
34 29 all zones open to wild turkey hunting. The hunter safety and  
34 30 ethics education certificate requirement pursuant to section  
34 31 483A.27 is waived for a nonresident issued a license pursuant  
34 32 to this subsection.

34 33 Sec. 44. Section 483A.24, subsection 10, paragraph b, Code  
34 34 2009, is amended to read as follows:

34 35 b. The licenses provided pursuant to this subsection shall  
35 1 be in addition to the number of nonresident turkey hunting  
35 2 licenses ~~authorized determined~~ pursuant to section 483A.7 and  
35 3 nonresident deer hunting licenses ~~authorized determined~~  
35 4 pursuant to section 483A.8.

35 5 Sec. 45. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF  
35 6 AQUATIC SPECIES.

35 7 1. A boundary waters sport trotline license entitles the  
35 8 licensee to use a maximum of four trotlines with two hundred  
35 9 hooks in the aggregate and only on boundary waters. All  
35 10 boundary waters sport trotlines shall be tagged with the name  
35 11 and address of the licensee on a weather-resistant tag  
35 12 provided by the licensee and affixed above the waterline. A  
35 13 boundary waters sport trotline licensee is not permitted to  
35 14 sell, barter, or trade fish or turtles taken pursuant to the  
35 15 license.

35 16 2. A valid fishing license issued pursuant to this chapter  
35 17 entitles the licensee to take and possess a maximum of one  
35 18 hundred pounds of live turtles or fifty pounds of dressed  
35 19 turtles. Any unattended fishing gear used to take turtles  
35 20 pursuant to a fishing license shall be tagged with the name  
35 21 and address of the licensee on a weather-resistant tag  
35 22 provided by the licensee and affixed above the waterline. A  
35 23 fishing licensee is not permitted to sell, barter, or trade  
35 24 live or dressed turtles taken pursuant to the license.

35 25 3. A valid fishing license issued pursuant to this chapter  
35 26 entitles the licensee to take and possess a maximum amount of  
35 27 mussels or shells daily as authorized by rule under the  
35 28 authority of sections 456A.24, 481A.38, 481A.39, and 482.1. A  
35 29 fishing licensee shall not sell, barter, or trade freshwater  
35 30 mussels or shells taken pursuant to the fishing license.

35 31 Sec. 46. Section 805.8B, subsection 3, paragraphs c and n,  
35 32 Code 2009, are amended to read as follows:

35 33 c. For violations of sections 481A.6, 481A.21, 481A.22,  
35 34 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,  
35 35 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections  
36 1 482.7, 483A.7, 483A.8, ~~483A.8A~~, 483A.23, and 483A.24, and  
36 2 ~~483A.28~~, the scheduled fine is twenty-five dollars.

36 3 n. For violations of section 482.11 ~~relating to turtles,~~  
36 4 ~~the scheduled fine is one hundred dollars.~~

36 5 ~~(1) For commercial turtle violations, the scheduled fine~~  
36 6 ~~is one hundred dollars.~~

36 7 ~~(2) For sport turtle violations, the scheduled fine is~~  
36 8 ~~fifty dollars.~~

36 9 Sec. 47. Section 805.8B, subsection 3, paragraph o, Code  
36 10 2009, is amended by striking the paragraph and inserting in  
36 11 lieu thereof the following:

36 12 o. For violations of section 482.12 relating to mussels,  
36 13 the scheduled fine is one hundred dollars.

36 14 Sec. 48. Section 483A.25, Code 2009, is repealed.

36 15 EXPLANATION

36 16 This bill relates to various conservation and recreation  
36 17 activities under the purview of the department of natural  
36 18 resources, modifies fees, and makes penalties applicable.  
36 19 SNOWMOBILES. Code section 321G.2(1) is amended to allow the  
36 20 natural resource commission to adopt rules for the  
36 21 establishment of a program of grants, subgrants, and contracts  
36 22 for the development, maintenance, and operation of designated  
36 23 snowmobile trails and grooming equipment by political  
36 24 subdivisions and incorporated private organizations; of a  
36 25 certified education course for the operation of snowmobile  
36 26 grooming equipment; of a certified education course for the  
36 27 safe use and operation of snowmobiles; and for certification  
36 28 of volunteer snowmobile education instructors.

36 29 Code section 321G.11 is amended to require that exhaust on  
36 30 internal combustion engines of snowmobiles must be muffled in  
36 31 accordance with rules adopted by the natural resource  
36 32 commission.

36 33 Code section 321G.21(9) is amended to allow the commission  
36 34 to adopt rules providing for the suspension or revocation of a  
36 35 snowmobile dealer's special registration certificate issued  
37 1 pursuant to this section.

37 2 Code section 321G.24(3) is amended to coordinate an  
37 3 internal reference with the changes in Code section 321G.2(1),  
37 4 to allow a person who completes a course of safety instruction  
37 5 to receive a safety certificate, and to delete a provision  
37 6 that allowed the commission to waive completion of the safety  
37 7 course if a person passed a written test instead.

37 8 ALL-TERRAIN VEHICLES. Code section 321I.1(1)(c) is amended



37 9 by removing a provision requiring off=road utility vehicles to  
37 10 be considered all=terrain vehicles for the purposes of  
37 11 registration.

37 12 Code section 321I.1(16) is amended to provide that an  
37 13 off=road utility vehicle means a vehicle with not less than  
37 14 four and not more than eight tires, a bucket or bench seat,  
37 15 and a steering wheel or control levers. The amendment also  
37 16 allows an owner of an off=road utility vehicle to register and  
37 17 title an off=road utility vehicle in order to legally operate  
37 18 the vehicle on public ice, or on a designated riding area or  
37 19 riding trail but be exempt from certain dealer registration  
37 20 and titling requirements and safety instruction and  
37 21 certification program requirements. An operator of a  
37 22 registered or titled off=road utility vehicle shall not  
37 23 operate the vehicle on public ice or designated riding areas  
37 24 or trails unless the department has posted signage allowing  
37 25 such operation.

37 26 Code section 321I.2(1) is amended to allow the commission  
37 27 to adopt rules for the establishment of a program of grants,  
37 28 subgrants, and contracts for the development, maintenance, and  
37 29 operation of all=terrain vehicle riding areas and trails by  
37 30 political subdivisions and incorporated private organizations;  
37 31 of a certified education course for the safe use and operation  
37 32 of all=terrain vehicles; and for certification of volunteer  
37 33 all=terrain vehicle education instructors.

37 34 Code section 321I.22(9) is amended to allow the adoption of  
37 35 rules by the commission providing for the suspension or  
38 1 revocation of an all=terrain vehicle dealer's special  
38 2 registration certificate.

38 3 Code section 321I.26(3) is amended to coordinate an  
38 4 internal reference with the changes made in Code section  
38 5 321I.2(1), to allow a person to obtain a safety certificate by  
38 6 passing an examination including either a written test or the  
38 7 demonstration of adequate riding skills, and to delete a  
38 8 provision that allowed the commission to waive completion of  
38 9 the course of instruction upon passage of a written test  
38 10 instead.

38 11 WILDLIFE CONSERVATION. Code section 481A.122 is amended to  
38 12 exempt a person who is hunting with a raptor from certain  
38 13 requirements to wear blaze orange apparel.

38 14 Code section 481A.130 is amended to add a civil penalty of  
38 15 \$200 for the unlawful taking of a bobcat and to add a schedule  
38 16 of civil penalties for the unlawful taking of fish, dependent  
38 17 on the species of fish taken. The Code section is also made  
38 18 inapplicable to a person who is liable to pay restitution  
38 19 pursuant to Code section 481A.151 for injury to a wild animal  
38 20 caused by polluting a water of this state.

38 21 Code section 481C.2A is amended to provide that a person  
38 22 who hunts antlerless deer pursuant to a depredation agreement  
38 23 must pay the increased fee of \$1.50 for the purpose of the  
38 24 deer herd population management program.

38 25 COMMERCIAL FISHING. Code section 482.1 is amended to  
38 26 provide that a licensee under the Code chapter shall not  
38 27 continue commercial fishing while a license issued by the  
38 28 commission is under revocation or suspension, to allow  
38 29 regulation of commercial mussel bait fishing, and to allow  
38 30 employees of the department of natural resources to examine  
38 31 gear, catches, and sale and purchase records of commercial  
38 32 licensees.

38 33 Code section 482.2 is amended to add definitions of new  
38 34 licenses for commercial fish buyers, commercial fish helpers,  
38 35 commercial roe buyers, commercial roe harvesters, commercial  
39 1 turtle buyers, commercial turtle helpers, and to define roe  
39 2 and roe species. References to commercial mussel fishing are  
39 3 deleted. References to water sport trotline licenses are  
39 4 deleted and moved to Code chapter 483A. Other definitions are  
39 5 modified including the definitions of nonresident and  
39 6 resident.

39 7 Code section 482.4, concerning commercial licenses and gear  
39 8 tags, is amended to describe and set fees for the new licenses  
39 9 available. Annual license fees for some existing licenses are  
39 10 increased, and fees are added for the new licenses available.

39 11 Code section 482.5, concerning commercial gear, is amended  
39 12 to include the harvest of commercial turtles with such gear.

39 13 Code section 482.7, concerning gear attendance, is amended  
39 14 to apply to commercial turtle fishing and to require the  
39 15 presence of a commercial fisher or commercial turtle fisher  
39 16 when commercial gear is operated, including direct supervision  
39 17 of a commercial fish helper or commercial turtle helper who  
39 18 operates commercial gear. "Direct supervision" is defined to  
39 19 require being in the same boat, within hand=signal distance,

39 20 or within vocal communication distance, without electronic or  
39 21 amplification devices of the person being supervised. The  
39 22 constant attendance requirement may be modified by the  
39 23 commission upon a request specifying why an extension of gear  
39 24 attendance intervals is needed.  
39 25 Code sections 482.8, concerning bait, and 482.9, concerning  
39 26 unlawful methods, are amended to coordinate with the new  
39 27 license designations.  
39 28 Code section 482.10, concerning commercial fish, is amended  
39 29 to describe the privileges associated with commercial fisher  
39 30 and fish helper licenses, and commercial roe harvester and roe  
39 31 buyer licenses. The license requirements do not apply to  
39 32 individuals who buy commercial fish or fish parts or roe or  
39 33 roe species for personal consumption or to restaurants, liquor  
39 34 control licensees, or public benefit corporations that buy  
39 35 commercial fish or fish parts, or roe or roe species for  
40 1 retail sale and human consumption on their premises. In  
40 2 addition, a person under 16 years of age is not required to  
40 3 have a commercial fish helper license to assist a commercial  
40 4 fisher.  
40 5 Code section 482.11, concerning turtles, is amended to  
40 6 describe the privileges associated with the taking of turtles,  
40 7 particularly by commercial turtle fisher and turtle helper  
40 8 licensees. The commercial turtle license requirements do not  
40 9 apply to individuals who buy commercial turtles, turtle eggs,  
40 10 or turtle parts from a commercial fisher or commercial turtle  
40 11 fisher for personal consumption; or to restaurants, liquor  
40 12 control licensees, or public benefit corporations that buy  
40 13 commercial turtles, turtle eggs, or turtle parts for retail  
40 14 and human consumption on their premises. In addition, a  
40 15 commercial turtle helper license is not required for a person  
40 16 under 16 years of age to assist a commercial turtle fisher.  
40 17 Code section 482.12, concerning freshwater mussels, is  
40 18 amended to allow a commercial fisher or commercial fish helper  
40 19 licensee to take or possess up to 24 whole freshwater mussels  
40 20 or 48 mussel shell halves, but not to buy, sell, barter, or  
40 21 trade the mussels or their shells. Only mussels designated by  
40 22 rule as legal bait species may be taken pursuant to this  
40 23 provision.  
40 24 Code section 482.14 is amended to describe report,  
40 25 recordkeeping, and inspection requirements pertaining to  
40 26 commercial fishers, commercial turtle fishers, commercial fish  
40 27 buyers, commercial turtle buyers, commercial roe harvesters,  
40 28 and commercial roe buyers.  
40 29 FISHING AND HUNTING LICENSES. Code section 483A.1 is  
40 30 amended to increase fees for certain resident and nonresident  
40 31 hunting and fishing licenses. New licenses are added for  
40 32 resident antlerless only deer hunting and boundary waters  
40 33 sport trotline fishing and for nonresident holiday antlerless  
40 34 only deer hunting and boundary waters sport trotline fishing.  
40 35 Nonresidents are also permitted to purchase preference points  
41 1 issued under Code section 483A.7(3)(b) to purchase wild turkey  
41 2 hunting licenses, and under Code section 483A.8(3)(e) to  
41 3 purchase antlered or any sex deer hunting licenses. The  
41 4 wildlife habitat fee is increased from \$11 to \$13.50.  
41 5 Code section 483A.1 is also amended to provide that on or  
41 6 after January 10, 2013, and on or after each January 10  
41 7 thereafter, the license fees may be adjusted, by rule, in an  
41 8 amount equal to or less than the percentage of increase in the  
41 9 consumer price index for the midwest urban region, published  
41 10 in the federal register by the federal department of labor,  
41 11 bureau of labor statistics, for the 12-month period ending  
41 12 June 30 of the year prior to the year that the increase will  
41 13 be effective.  
41 14 The natural resource commission is also authorized to adopt  
41 15 rules to develop combination packages of licenses for the  
41 16 purpose of encouraging residents to purchase additional  
41 17 licenses, to increase sales of licenses, and to retain  
41 18 hunters, anglers, and trappers in the state. The combination  
41 19 packages must cost less than the total cost of purchasing the  
41 20 licenses separately.  
41 21 Code section 483A.1A is amended to add definitions for  
41 22 "boundary waters", "nonresident", and "principal and primary  
41 23 residence or domicile". The definition of "resident" is  
41 24 modified to include a determination of whether a person's  
41 25 principal and primary residence or domicile is in the state  
41 26 and to allow a full-time student at an institution outside the  
41 27 state to be considered a resident if at least one parent or  
41 28 guardian has a principal and primary residence or domicile in  
41 29 the state. Code section 483A.2 is amended to make a  
41 30 coordinating change.

41 31 Code section 483A.3 is amended to allow revenue raised from  
41 32 the wildlife habitat fee and any matched federal funds to be  
41 33 used to lease land to provide hunting and trapping access.  
41 34 Code section 483A.3 is also amended to provide that any  
41 35 increase in revenues received on or after July 1, 2009, as a  
42 1 result of increases in the wildlife habitat fee enacted in the  
42 2 bill shall be used by the commission only for the purposes of  
42 3 acquisition of land, leasing of land for hunting and trapping  
42 4 access, obtaining easements for use as wildlife habitats, and  
42 5 credits to the wildlife habitat bond fund.  
42 6 Code section 483A.7 is amended to allow the natural  
42 7 resource commission to annually determine how many nonresident  
42 8 wild turkey hunting licenses will be issued instead of the  
42 9 current limit of 2,300 licenses and to require the commission  
42 10 to assign a preference point to a nonresident for each year  
42 11 that the nonresident's application for a wild turkey hunting  
42 12 license is denied due to limitations on the number of licenses  
42 13 available. Drawings for licenses are made from pools of  
42 14 applicants based on who has the most preference points. A  
42 15 nonresident may purchase additional preference points for \$50  
42 16 each.  
42 17 Code section 483A.8 is amended to increase the deer herd  
42 18 population management fee paid by purchasers of deer hunting  
42 19 licenses from \$1 to \$1.50. The section is also amended to  
42 20 allow the natural resource commission to annually determine  
42 21 how many nonresident antlered or any sex deer hunting licenses  
42 22 will be issued instead of the current limit of 6,000 licenses  
42 23 and to allocate resident and nonresident deer hunting licenses  
42 24 among the zones using a county-by-county system.  
42 25 Code section 483A.8 is also amended to require the  
42 26 commission to assign a preference point to a nonresident for  
42 27 each year that the nonresident's application for an antlered  
42 28 or any sex deer hunting license is denied due to limitations  
42 29 on the number of licenses available. Drawings for licenses  
42 30 are to be made from pools of applicants based on who has the  
42 31 most preference points. A nonresident may purchase additional  
42 32 preference points for \$50 each.  
42 33 Code section 483A.8 is also amended to increase the fee for  
42 34 additional antlerless deer hunting licenses issued to  
42 35 residents from \$10 to \$15 and to increase the fee for the  
43 1 special nonresident holiday antlerless deer hunting license  
43 2 from \$50 to \$75.  
43 3 Code section 483A.8A is amended to expand the deer harvest  
43 4 reporting system to include wild turkey harvest reporting.  
43 5 Code section 805.8B(3) is amended to provide that a violation  
43 6 of the deer and turkey harvest reporting requirement is  
43 7 punishable by a scheduled fine of \$25.  
43 8 Code sections 483A.10 and 483A.12, relating to the issuance  
43 9 of licenses and fees collected by license agents, are amended  
43 10 to allow for the sale of combination packages of licenses, to  
43 11 increase the writing fee from 50 to 75 cents, and to increase  
43 12 the writing fee for free deer or wild turkey licenses from \$1  
43 13 to \$1.25. Code section 483A.14 is amended to increase the fee  
43 14 for issuance of duplicate licenses from \$2 to \$2.25 and the  
43 15 writing fee from \$1 to \$1.25.  
43 16 Code section 483A.24(2)(c) and (d) are amended to reflect  
43 17 the increase in the deer herd population management fee from  
43 18 \$1 to \$1.50 and the increase in the fee for additional  
43 19 landowner antlerless deer only deer hunting licenses from \$10  
43 20 to \$15.  
43 21 Code section 483A.24(3), (4), and (10) are amended to  
43 22 coordinate with the changes made in Code sections 483A.7 and  
43 23 483A.8.  
43 24 New Code section 483A.28 describes the noncommercial  
43 25 harvest of aquatic species. The new boundary waters sport  
43 26 trotline license allows use of trotlines only on boundary  
43 27 waters. A valid fishing license entitles the licensee to take  
43 28 specified amounts of live and dressed turtles and mussels, as  
43 29 set by rule, but not to sell, barter, or trade them. Code  
43 30 section 805.8B(3) is amended to provide that a violation of  
43 31 this new provision, other than a license violation, is  
43 32 punishable by a scheduled fine of \$25.  
43 33 Code section 805.8B(3)(n) is amended to strike a provision  
43 34 imposing a penalty for sport turtle violations to coordinate  
43 35 with changes made to Code section 482.11(3) and (4).  
44 1 Code section 805.8B(3)(o) is amended to remove the  
44 2 distinction between commercial mussel and sport mussel  
44 3 violations and to provide that any violations of Code section  
44 4 482.12, regulating mussels, are punishable by a scheduled fine  
44 5 of \$100.  
44 6 Code section 483A.25, concerning the pheasant and quail

44 7 restoration program and related appropriations, is repealed.  
44 8 LSB 1380DP 83  
44 9 av/sc/8.1